

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**Citibank, N.A, as Trustee,
Plaintiff,**

**CIVIL ACTION
NO. 04- 40045-FDS**

V.

**John P. Phelan, Wendy M. Phelan,
David LaBrie, The United States of America,
O'Callighan Construction Company, and the
Commonwealth of Massachusetts' Department
of Revenue,**

Defendants,

David La Brie,

Cross-Claimant,

NOTICE OF DEFAULT

**Upon application of the Defendant, Cross-Claimant, David La Brie
for an order of default for failure of the Defendants, John P. Phelan, Wendy M.
Phelan, O'Callighan Construction Company, and the Commonwealth of
Massachusetts' Department of Revenue, to plead or otherwise defend as
provided By Rule 55(a) of the Federal Rules of Civil Procedure, notice is
hereby given that the defendants have been defaulted this 6th day of July 2005.**

SARAH THORNTON, CLERK

**By: /s/ Martin Castles
Deputy Clerk**